

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

FARMHOUSE PARTNERS LIMITED
PARTNERSHIP,

Plaintiff,

v.

Multi-Housing Tax Credit Partners
XXX,

Defendant.

CV-21-48-BU-BMM

ORDER

The Court held a hearing in this matter on April 13, 2022. (Doc. 117.) For the reasons stated in open court:

- The Court **DENIES WITHOUT PREJUDICE** Farmhouse Partners Limited Partnership’s (“Farmhouse”) Motion to Strike and Exclude the Fruit of Attorney Sussman’s Poisoned Tree. (Doc. 67). The Court directs Farmhouse to raise objections to specific questions at trial. The Court will consider objections to specific evidence or testimony at trial as they arise.
- The Court **GRANTS** Multi-Housing Tax Credit Partners XXX’s (“MHTCP”) Motion in Limine to Exclude Testimony Regarding Samantha Dabney’s

Medical Condition (Doc. 79). The Court will only allow evidence of Samantha Dabney's medical condition if MHTCP opens the door to its admission at trial through arguments, questions from counsel, or answers elicited from witnesses.

- The Court will **GRANT, IN PART**, Farmhouse's motion to exclude the testimony of expert witness Thomas D. Morton (Doc. 75). The Court declines to admit testimony regarding the proper valuation of MHTCP's interest in the Bridger I property. The Court will not determine the proper remedy at the May 31, 2022 trial. MHTCP will have the opportunity, if necessary, to introduce evidence regarding the property valuation at a remedy hearing.
- The Court will **DENY WITHOUT PREJUDICE, IN PART**, Farmhouse's Motion to Exclude Thomas D. Morton (Doc. 75) and will **DENY WITHOUT PREJUDICE** MHTCP's Motion to Strike Testimony by David Bjornson. The Parties stipulated to exclude David Bjornson's proposed testimony if Thomas Morton does not testify.
- The Court will issue its ruling on the parties' cross-motions for summary judgment (Docs. 60 & 64) in due course.

DATED this 14th day of April, 2022.



Brian Morris, Chief District Judge
United States District Court